

of cotton for sale and no buyers, but if you say no cotton planted in 1932 the whole cotton world will be at your mercy and at your feet in 30 days begging the cotton farmers for supplies for the spinners. A law allowing a 50 per cent crop next year will doom the farmer to poverty, slavery and bankruptcy for years to come. This present crop will bring more than three crops if you will pass the 100 per cent reduction. The whole world has their eyes on you gentlemen, they will soon know whether you are salesmen that will give prosperity to the whole South or whether you are going to leave the farmer in rags and poverty the rest of his life. Wake up, gentlemen, and go down in history as true statesmen and also go on record as making the biggest cotton sale in the history of mankind and of being the greatest contributor of the country to National and world prosperity. You gentlemen may wonder why I take this liberty to wire your honorable body as I do. I take this liberty to wire you because on the 9th day of August, 1931, I presented to the North Arkansas Ginners Association this baby of no planting of cotton in 1932 as the only solution to selling this twenty-five million bales of cotton. This plan was wired to President Hoover and a copy of the telegram was mailed to the governors of the cotton states. So you see the baby was placed on the steps of every governor in the South and Governor Long was the only one to take it up and give it nourishment by calling that famous convention of governors to New Orleans to look it over. I am a cotton producer and a ginner and a cotton salesman of many years in the business and I know that you will sell this crop at a big loss if you pass the 50 per cent bill, but if you pass the Long bill the whole South will sing with joy and happiness and the poor producer will pay his debts and buy the things that his family needs so badly. We will all assemble at the home of Governor Long and christen that baby "King Cotton of Dixie" and let Governor Long place him upon the great white throne of happiness and prosperity and joy for-

ever in this Great South Land of ours. I thank you very respectfully.

J. F. MEDEARIS,
President North Arkansas
Ginners Association.

Hayneville, Ala.,
State Senate of Texas,
Austin, Texas.

Five hundred Lowndes County farmers business and professional men assembled court house today and with exception of one endorsed Louisiana no cotton plan for nineteen thirty two.

Senator H. M. Cassee, Representative R. M. Guy, Representative C. E. Brooks, C. E. Hawkins,

COMMITTEE.

Committee Reports.

Committee Room,
Austin, Texas, Sept. 8, 1931.
Hon Edgar E. Witt, President of the Senate,

Sir: We, your Committee on Agriculture, to whom was referred Senate Concurrent Resolution No. 1, a resolution to appoint a committee of five to ascertain the number of untenerable bales of cotton in this State.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CUNNINGHAM, Chairman.

THIRD DAY.

Senate Chamber,
Austin, Texas,
September 10, 1931.

The Senate met at 2 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Hardin.	Poage.
Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Russek.
Loy.	Small.
Martin.	Stevenson.

Thomason.
Williamson.
Woodruff.

Woodul.
Woodward.

Absent—Excused.

Greer.

Rawlings.

Prayer by the Rev. A. W. Jones of Llano.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Stevenson:

S. B. No. 5, A bill to be entitled "An Act providing for the conservation of the soil of the State of Texas; and providing for the elimination of root-rot by a proper cropping system; and providing for the prevention of erosion of the soil of the State; and further providing for a cropping system that will yield enough money to the farmers of the State to enable them to purchase fertilizer for the preservation of the fertility of their farms; providing for enforcement of this Act through the remedies of injunction and by the forfeiture of cotton raised on any land in violation of the provisions of this Act; and declaring an emergency."

Read and referred to Committee on Agricultural Affairs.

By Senator Gainer:

S. B. No. 6, A bill to be entitled "An Act to promote the use of staple and to prohibit the use of linters and cotton of similar low quality in the manufacture of mattresses, pillows, and other similar articles and providing that cotton, when ginned, shall only be wrapped in cotton bagging and prohibiting the sale of any mattresses, pillows, cushions, or other articles manufactured of cotton which does not contain a label showing the grade and quality of cotton used in the manufacture of such articles and prescribing a penalty for the violation and declaring an emergency."

Read and referred to Committee on Agricultural Affairs.

By Senator Moore:

S. B. No. 7, A bill to be entitled "An Act to prevent deterioration and destruction of farm land planted to cotton; making certain exceptions; fixing penalty for violating this Act; and declaring an emergency."

Read and referred to Committee on Agricultural Affairs.

By Senators Berkeley and others:

S. B. No. 8, A bill to be entitled "An Act providing relief for the Valentine Independent School District, in order to aid said district in repairing and rehabilitating its school building which was seriously damaged and rendered untenable and unsafe for use for school purposes by the earthquake on Sunday, August 1, 1931, making an appropriation for that purpose, and declaring an emergency."

Read and referred to Committee on Finance.

By Senators Cunningham, Woodward, Small, Parrish, Parr and Beck:

S. B. No. 9, A bill to be entitled "An Act declaring the soil to be a natural resource of the State; declaring it is a public right and a public duty and made mandatory upon the Legislature of the State of Texas under Section 59 of Article 16 of the Constitution of the State of Texas to enact laws to compel the preservation and conservation of the fertility of the soil; providing that for the purpose of preserving and conserving the soil, preventing waste thereof and erosion of the soil and to aid in the eradication of and to prevent the spread of root rot and all other diseases of the soil, it shall be unlawful for any person, association of persons, firm, corporation or joint stock company, during the year 1932, to plant any cotton seed for the purpose of raising cotton on any land in excess of one-third of the area thereof in cultivation during the year 1931; and to make it unlawful for any person, association of persons, firm, corporation or joint stock company during the year 1933, to plant any cotton seed for the purpose of raising cotton on any land in excess of one-third of the area thereof in cultivation during the year 1932; and prohibiting the planting or growing of cotton in 1933 upon any land on which cotton was grown in 1932; providing for injunctions in order to prevent a violation of this."

Act and to enforce the purpose and intent hereof; prohibiting the planting and cultivation of cotton on the same land two years in succession; defining the duties of the Attorney General, the several county and district attorneys in respect thereto; affixing the penalties for violations of this Act, requiring owners and agents to give information as to the number of acres in cultivation and the number of acres planted in cotton in 1931 and 1932; imposing certain duties and responsibilities upon the county assessor of taxes and the Commissioner of Agriculture of the State of Texas, providing a saving clause if any part of this Act is held invalid, and declaring an emergency."

Read and referred to Committee on Agricultural Affairs.

Senator Excused.

On motion of Senator Poage, Senator Greer was excused for today and tomorrow on account of important business.

Advance Printing Ordered.

On motion of Senator Stevenson, advance printing of S. B. No. 5 was ordered.

On motion of Senator Gainer, advance printing of S. B. No. 6 and S. B. No. 7 was ordered.

On motion of Senator Oneal, advance printing of S. B. No. 9 was ordered.

Message from the House.

Hall of the House of Representatives, Austin, Texas, Sept. 10, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand (\$50,000) dollars or so much thereof as may be necessary out of the General Revenue to pay the per diem and mileage of members; the per diem of officers and employees; and the contingent expense of the Second Called Session of the Forty-second Legislature of the State of Texas convened on the 8th day of September, 1931, by proclamation of the Governor; to supplement the like appropriation of the Regular and First Called Session of said Legislature, etc., and declaring an emergency."

H. B. No. 9, A bill to be entitled "An Act amending Chapter 367, Section 4, of the General Laws of the Regular Session of the Forty-second Legislature of Texas, by changing the time for holding district court in the counties of McCulloch, Brown and Coleman; and providing for the time of the taking effect of this Act."

The House has refused to concur in Senate amendments to H. C. R. No. 1 by a viva voce vote and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House: Sanders, Hughes, Hubbard, Metcalfe and McGregor.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

S. C. R. No. 2.

Senator Woodruff sent up the following resolution:

Whereas, The Federal Land Bank of Houston, Texas, has made many loans on farms and ranch property throughout every section of the State of Texas, installments of interest and principal on which loans are accruing and becoming due and payable semi-annually, and

Whereas, The depressed condition of the market for commodities produced on said farms and ranch properties make it impossible for the respective farmers and operators thereof to meet current expenses and make payments of interest and principal as they become due according to the contracts with reference thereto, making many of the farms and ranch properties thus affected subject to foreclosure, jeopardizing the homes and possible home ownership of great numbers of the best citizens of this State, therefore, be it

Resolved, by the Senate of the Legislature of Texas, the House of Representatives concurring, That the next succeeding regular or special session of the Congress of the United States could render an invaluable and lasting service to present and future generations of Texas farmers and stock raisers by taking such action as may be necessary to authorize the Federal Land Bank of Houston to suspend and defer the effectiveness of all of its loan contracts within the State of Texas for a period of three years, failure to do which conceivably will result disastrously to the agricultural pros-

perity of the entire State of Texas. Be it further

Resolved, That the Secretary of the Senate be, and he is hereby instructed, to forward a true and correct copy hereof to the President of the United States, to the Honorable M. H. Gossett, President of the Federal Land Bank of Houston, Texas, and to each of the members of the United States Congress from Texas.

WOODRUFF,
WOODWARD,
DeBERRY.

Read and adopted.

Court of Impeachment.

Senator Hopkins moved that the Senate resolve itself into a high court of impeachment to hear the charges preferred against Hon. J. B. Price, judge of the Twenty-first Judicial District of Texas, by the House of Representatives.

The motion prevailed.

Proceedings.

(See Appendix.)

In Session.

The Senate was called to order at 3:19 o'clock p. m., by Lieutenant Governor Edgar E. Witt.

Conference Committee Appointed.

The Chair announced the appointment of the following Conference Committee on H. C. R. No. 1:

HORNSBY,
LOY,
WILLIAMSON,
PARRISH,
WOODWARD.

House Bill Referred.

H. B. No. 1 referred to Committee on Finance.

Adjournment.

On motion of Senator Martin, the Senate, at 4:22 o'clock p. m., adjourned until 10 o'clock to morrow morning.

APPENDIX

Proceedings.

In the Senate of Texas, Second Called Session, Forty-second Legislature.

Thursday, September 10, 1931.

2:00 o'clock p. m.

Senator Hopkins, of Gonzales, moved that the Senate resolve itself into a High Court of Impeachment to consider the charges presented by the Board of Managers of the House of Representatives against Judge J. B. Price, judge of the Twenty-first Judicial District of Texas. Said motion was duly carried.

Récord of the proceedings of the High Court of Impeachment on the trial of Hon. J. B. Price, judge of the Twenty-first Judicial District of Texas, consisting of the Senate of the State of Texas, as is provided by the State Constitution.

The President: The Official Reporters of the proceedings will now be sworn.

Thereupon T. G. Eisenlohr and Chas. E. Pickle were duly sworn by the President to act as Official Reporters to report the impeachment trial, the following oath being administered to them by the President, viz:

"You, and each of you, do solemnly swear that you will correctly take down in shorthand and correctly transcribe all of the proceedings upon the trial of J. B. Price, Judge of the Twenty-first Judicial District of Texas, on impeachment. So help you God."

Thereupon Hon. J. H. Baugh, Associate Justice of the Court of Civil Appeals for the Third Supreme Judicial District of Texas, administered the oath to Hon. Edgar Witt, Lieutenant Governor of Texas, to preside over the High Court of Impeachment, as follows:

"You do solemnly swear that you will impartially try J. B. Price, Judge of the Twenty-first Judicial District of Texas, upon the impeachment charges submitted to you by the House of Representatives and a true verdict render according to the law and the evidence. So help you God."

Senator Hopkins: It will now be necessary that the members of the Senate be administered by you the same oath that has been administered to you.

The Chair: The Senators will please stand at their seats.

Senator Hopkins: Would it not be well to have a roll call to determine who are present?

Thereupon the Secretary called the

roll, and the following Senators answered

Present.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Hardin.	Purl.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	

Absent.

Greer.	Russek.
Rawlings.	

The Chair: The Chair will now have you take the following oath:

The Senators rose at their desks and were administered by the Chair the following oath, to-wit:

"You and each of you, do solemnly swear that you will impartially try J. B. Price, Judge of the Twenty-first Judicial District of Texas, upon the impeachment charges submitted to you by the House of Representatives and a true verdict render according to the law and the evidence. So help you God."

The Chair: The Sergeant at Arms will now announce the convening of the Senate as a High Court of Impeachment.

The Sergeant at Arms: Oyez! Oyez! Oyez! The Senate sitting as a High Court of Impeachment is now in session.

The Chair: The Senate of Texas is now in session as a High Court of Impeachment to consider charges made by the House of Representatives against the Honorable J. B. Price, Judge of the Twenty-first Judicial District of Texas.

Senator Hopkins: Mr. President.

The Chair: The Senator from Gonzales.

Senator Hopkins: I now desire to send up the report of the Committee appointed to prepare and present rules of procedure.

The Chair: The Senator from Gonzales sends up the following report. The Secretary will read the report.

Senator Hopkins: Mr. President, if the Secretary will read the first

part, I think I can explain it, as it is rather long.

Thereupon the Secretary read the first part of the report, as follows:

"We, your Committee, appointed to prepare and present rules of procedure to be adopted as the rules governing in the hearing of the impeachment of J. B. Price, Judge Twenty-first Judicial District of Texas, beg leave to submit for adoption the following rules:"

Senator Hopkins: It will be printed in the Journal in full. I now move the adoption of the report of the Committee.

The Chair: You have heard the motion of the Senator from Gonzales. Those in favor of the motion will say "Aye"; those opposed, "No."

(The motion prevailed.)

Said report as above adopted reads as follows:

Committee Room,

Austin, Texas, Sept. 10, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir:

We, your Committee, appointed to prepare and present rules of procedure to be adopted as the rules governing in the hearing of the impeachment of J. B. Price, Judge 21st Judicial District of Texas, beg leave to submit for adoption the following rules:

Rule 1: At two o'clock p. m., on the 10th day of September, 1931, the Senate shall resolve itself into a court of impeachment for the purpose of receiving the appearance or answer or both of J. B. Price, Judge 21st Judicial District, against whom articles of impeachment have been preferred.

Rule 2: At the hour last above named said J. B. Price may in person or by counsel or both appear in said court and file answer to said articles of impeachment against him; and the manner of his appearance shall be fully recorded by the Secretary of the court of impeachment.

Rule 3: If the respondent shall fail to appear, after having been served, etc., or appearing, shall fail to file his answer to such articles of impeachment, the said trial shall proceed nevertheless as upon a plea of not guilty.

Rule 4: The respondent and his counsel and the managers appointed by the House and their counsel, shall be conducted to seats by the Ser-

geant at Arms near the President's chair, when their appearance shall have been announced by the Door-keeper.

Rule 5: If the respondent appears and announces not ready to file his answer, and shall ask further time to do so, the question shall be put to the court on motion of some member thereof, and determined by a majority vote of said court.

All demurrers and exceptions having been acted upon, the board of managers shall read and present the articles of impeachment and the respondent shall enter his appearance and present any answer in writing that he may desire to present.

Rule 6: The Senate having resolved itself into a high court of impeachment, and the managers upon the part of the House of Representatives and the respondent having both announced ready for trial, shall proceed to the consideration of the articles of impeachment, and shall continue in session from day to day (Sunday excepted) after the trial shall commence, unless otherwise ordered by the Senate, until final judgment shall be rendered, and so much longer as may, in its judgment, be needful.

Rule 7: All demurrers, exceptions, etc., shall first be heard and disposed of, and shall be decided and determined by a majority of the members of the court present.

Rule 8: The party presenting the demurrers and exceptions shall be entitled to open and conclude the argument thereon, and not more than three persons on each side shall make arguments (unless otherwise ordered by the Senate), and not more than three hours shall be consumed by each side in such argument.

Rule 9: After such demurrers shall have been presented and argued the court shall, after due deliberation and consultation, announce its decision upon each and every demurrer and exception, and such questions and issues as shall be thereby eliminated shall not thereafter be considered in the trial.

Rule 10: If, after decision upon demurrers and exceptions presented there shall remain any issues to be tried, the trial shall proceed at once upon its merits, the burden of proof being upon the managers of the House of Representatives who shall hold the affirmative and be en-

titled to open and conclude the testimony and argument in the case.

Rule 11: The presiding officer shall have power to make and issue, by himself or Secretary of the Senate, all orders, mandates, writs, process and precepts authorized by these rules or by the Senate, and to make and enforce such regulations and orders in the premises as the Senate may authorize or provide.

Rule 12: The Senate shall have the power to compel the attendance of witnesses, to enforce obedience to its orders, mandates, writs, process, precepts and judgments, to preserve order, and to punish in a summary way contempt of and disobedience to its authority, orders, mandates, writs, process, precepts, and judgments, and to make all lawful orders, rules and regulations which it may deem essential or conducive to the ends of justice, and to this end may, in the first instance, upon the application of either party, cause attachments to be issued for witness to any county within this State. And the Sergeant-at-Arms, under the direction of the Senate, or the presiding officer thereof, may employ such aid and assistance as may be necessary to enforce, execute and carry into effect the lawful orders, mandates, writs, process and precepts of the Senate.

Rule 13: The presiding officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the presiding officer, on the trial, shall direct all forms of proceedings, and all forms during the trial not otherwise provided for.

Rule 14: The presiding officer, on the trial, may rule on all questions of evidence and incidental questions, observing the established rules of evidence in this State as nearly as applicable, which ruling shall stand as the judgment of the court, unless some member thereof shall ask that such question be decided by a vote of the court, in which case it shall be submitted to the court for decision; or he may at his option, in the first instance, submit any such question to a vote of the court. Upon all such questions the vote shall be without a division, unless the yeas and nays be demanded by three members of the court, when the same shall be taken.

Rule 15: Counsel for respondent and for the managers, upon the part of the House shall be admitted to ap-

pear and be heard upon the questions arising upon the trial of said cause; provided, that all preliminary or interlocutory questions, and all motions shall be argued for not exceeding thirty minutes on each side, unless the court shall by order extend the time.

Rule 16: All motions made by the parties or their counsel shall be addressed to the presiding officer, and if he or any three Senators shall require it, they shall be committed to writing and read at the Secretary's desk.

Rule 17: At all times while the Senate is sitting upon the trial the doors of the Senate shall be kept open, unless the court shall direct the doors to be closed while deliberating upon the decisions.

Rule 18: All the orders and decisions of the Senate shall be made and had by yeas and nays, which shall be entered on the records, and without debate, subject, however, to the operation of Rule 14, except when the doors shall be closed for deliberation (or the court shall retire to its consultation room, as the case may be.)

Rule 19: The court may at any time, upon motion, without division and without debate, retire to its consultation room for deliberation, return to the Senate Chamber and announce its decision.

Rule 20: On the final question, whether the impeachment is sustained, the yeas and nays shall be taken on each article of impeachment separately; and if the impeachment shall not upon any of the articles presented, be sustained by the votes of two-thirds of the members present, a judgment of acquittal shall be entered; but if the person accused in such articles of impeachment shall be convicted upon any of the said articles by the votes of two-thirds of the members present, the court shall proceed to pronounce judgment, and certified copy of such judgment shall be deposited in the office of the Secretary of State.

Rule 21: If the Senate shall at any time fail to sit for the consideration of articles of impeachment, on the day or hour fixed therefor, the Senate may, by an order to be adopted without debate, fix a day and hour for resuming such consideration.

Rule 22: The rules of the Senate shall prevail in matters covered by such rules occurring during the sitting of the Senate as a court, unless in conflict with some special rule provided by this committee; if any question or matter arises not governed by the rules of the Senate or the rules provided by this Committee, a new rule covering same may be made by a majority vote of the Senate present.

Rule 23: The following oath shall be administered by Justice J. H. Baugh, Judge of Court of Civil Appeals, to the presiding officer of the Senate, and thereafter by such presiding officer to each member of the Senate:

"You and each of you do solemnly swear that you will impartially try J. B. Price, Judge of the 21st Judicial District of Texas, upon the impeachment charges submitted to you by the House of Representatives and a true verdict render according to the law, and the evidence, so help you God."

Rule 24: The record of the proceedings as taken by the stenographers employed by the Senate shall be prepared and presented to the Journal Clerk of the Senate for printing in the Daily Journal as early as possible each day and not later than 9:00 o'clock p. m.

Rule 25: The House of Representatives may present to the Senate at any time during these proceedings in due and regular form any additional articles of impeachment to those already presented.

Rule 26: The following oath shall be administered to all persons appearing as witnesses in this hearing:

"You and each of you do solemnly swear that the evidence you give upon this hearing by the Senate of Texas of impeachment charges against J. B. Price shall be the truth, the whole truth, and nothing but the truth, so help you God."

Rule 27: The respondent or the board of managers may invoke what is commonly called The Rule during the trial of this proceeding.

Rule 28: The above rules shall govern during the trial of this impeachment proceeding, and may be changed or additional rules adopted

by giving written notice in the open court of the Senate for one day.

Respectfully submitted,
(Signed)

HOPKINS, Chairman.
WOODWARD,
WOODUL.

Senator Hopkins: I just want to make this statement to the members of the Senate: The rule, if strictly complied with, would require that the respondent present himself at this time before the bar of the Senate, make his plea, present his demurrers, and file his answer; but in accordance with the agreement made that we would not go into the merits at this time, it was agreed this morning with counsel for Judge Price and the Board of Managers of the House of Representatives that Judge Price would not have to comply strictly with that portion of the rule, but when the trial is set and we absolutely begin the trial that they will at that time present their demurrers and file their answers. I make this statement in order that it may be clear in the minds of the Senators.

Senator Woodward: Senator, are you informed as to whether or not his answer and demurrers are ready to be filed at this time? If so, we might have them so we could be considering them in the meantime.

Senator Hopkins: I understand, Senator, that they are not. It was stated by attorneys for Judge Price that as soon as they were prepared, and prior to the trial, copies will be furnished.

The Chair: The Chair desires to state that the resolution originally adopted was for this Committee to determine when this trial should proceed.

Senator Hopkins: Yes, sir. The report stipulates that it shall be on Thursday, September 10, 1931, which is today, and in just a few minutes a motion to recess will be made.

Senator Woodruff: Is it possible that the failure of the respondent to appear here and plead at this time will in any way embarrass the court when the matter is finally reached?

Senator Hopkins: No, sir; I believe not. I have been assured that the House Managers and the Senate will be furnished copies of his pleadings prior to the day of the trial, and there is no contingency here that I can see or anticipate that will

in any wise jeopardize or invalidate any part of the proceedings.

Senator Woodruff: The action of the Senate in dispensing with any sort of an answer being filed at this time will not be raised by the attorneys for the respondent at a later date?

Senator Hopkins: No, sir; it will not be raised, because the distinct understanding is, and our agreement is, that the respondent would not be required to appear here this afternoon or to file an answer, but that he may do so at a later date and prior to the time the trial is actually begun.

Senator Woodruff: They will not attempt to evade any part of the proceedings by virtue of the fact of not having an answer filed this afternoon?

Senator Hopkins: They will not. It was distinctly understood, and that was the agreement reached, that no advantage in any manner whatsoever would be taken by Judge Price or his attorneys. Now, Mr. President, it may be a little out of order, but I have here in the form of a simple resolution the form of subpoena to be used by the High Court of Impeachment and the manner of its execution and return, and I will offer it at this time.

The Chair: If there is no request for it to be read, the reading will be dispensed with. All in favor of the resolution will say "Aye"; those opposed, "No." (The motion carried.) Said motion in words and figures is as follows:

Resolved by the Senate, that the following shall be the form of subpoena to be used for witnesses residing in any county within the State of Texas, whose testimony may be desired to be offered on the trial of J. B. Price, Judge 21st Judicial District of Texas, by the Senate of Texas, sitting as a court of Impeachment:

The State of Texas To _____

Greeting:

You and each of you are hereby commanded to appear before the Senate of Texas, sitting as a court of impeachment, on the _____ day of _____, A. D. 1931, at 10 a. m., at the Senate Chamber in the City of Austin, Texas, then and there to testify your knowledge in the cause which is before the court, in which the House of Representatives have

impeached J. B. Price. Herein fail not.

Witness..... President of the Senate, and of the Court of Impeachment, at the City of Austin, this day of, A. D. 1931.

President.

And the following shall be the form of direction for service of such subpoena:

To the Sergeant-at-Arms of the Court of Impeachment, or any of his assistants:

You are hereby commanded to serve in person, or by registered mail or telegram, the within subpoena and due return make thereof.

Dated at the City of Austin, this day of A. D. 1931.

Secretary of said Court.

Which said subpoena may be served upon said witness in person, by registered mail or by telegram.

Be It Further Resolved, That witnesses summoned to testify at the trial of the said cause, which is now pending in the Senate, shall receive two and 50/100 (\$2.50) dollars for each day they shall be required to be in actual attendance, and mileage at the rate of three cents per mile coming from their residence to Austin, Texas, and returning thereto, by the most direct route practicable, which mileage and per diem shall be paid out of the contingent expense fund of the Forty-second Legislature, upon vouchers approved by the Chairman of the Senate Committee on Contingent Expenses and the President of the Senate.

HOPKINS.

Senator Hopkins: Now, Mr. President, in accordance with the statement originally made upon the convening of this court, let it be said that it is the understanding on the part of the Board of Managers of the House of Representatives and upon the part of the attorneys for Judge Price, and Judge Price himself, that no attempt will be made to have these proceedings in any way jeopardized on account of the postponement of the proceedings. It was agreed tentatively, subject to the action of this court of impeachment, that a motion would be presented at this time recessing this court of im-

peachment until ten o'clock Thursday, September 17, 1931, which is next week, and I now move you, sir, just with this further statement, that if at that time the legislation that is pending and which would likely be jeopardized by this hearing is not out of the way, it is agreed and understood without quibble that we will again recess this court on that day.

Senator Woodward: Senator, are you advised as to whether or not the House Managers or the defense want to make any statement or request of the court at this time? I suggest that if they do they be given that opportunity.

Senator Hopkins: I understand they have no statement or suggestion to make now, but if they have I would be glad for them to make it.

Senator Woodul: Should not there be included the right to file their answer not later than Thursday of next week?

Senator Hopkins: That is perfectly acceptable, I am sure. I understand the attorneys for Judge Price intend to file their answer and demurrers prior to the time set for beginning the trial.

Senator Woodward: Senator, don't you think it would be a good idea to advise them to file their answer not later than Tuesday of next week, so we can have the advantage of studying it in the meantime?

Senator Hopkins: I believe your suggestion is well taken. I will make the statement here to the attorneys for Judge Price who are now on the Senate floor that we would like to have their answer and demurrers filed not later than Tuesday noon of next week.

The Chair: That might be made in the form of a motion.

Senator Hopkins: Then I make a motion that the attorneys for Judge Price be requested and required to file their demurrer and answer with the court of impeachment and furnish copies to the House Managers and such copies as may be necessary to the Senate not later than Tuesday of next week.

Senator Woodward: Will the Senator permit me to amend it to this effect, to include such briefs as they might see fit to prepare?

Senator Hopkins: I will be glad to make a motion like that. How-

ever, it might be that the briefs would be too voluminous.

Senator Woodward: I understand they were having one printed.

Senator Hopkins: I will include in the motion that they be requested to file such briefs as may be prepared and expected to be filed.

The Chair: You have heard the motion. Any discussion? Are you ready for the question? Those in favor of the motion will say "Aye"; those opposed, "No". (The motion prevailed.)

The Chair: The Chair sees in the door of the Senate two of the House Managers, and I think under the rules those gentlemen have the privilege of the floor and a right to be heard in connection with this matter. If there is no objection, the Chair will just ask Judge Graves and Mr. DeWolfe if they have any suggestions to make with reference to the procedure or any documents.

Mr. H. N. Graves: The procedure is perfectly satisfactory to us. We have gone over it and it is satisfactory to the House Managers.

Senator Cousins: Mr. President.

The Chair: The Senator from Jefferson.

Senator Cousins: I would like to say individually and as Senator from Jefferson that I would like to request these gentlemen on both sides of this question to see if they can not submit us an agreed statement of facts, rather than bring a lot of witnesses to Austin. They are all honorable gentlemen, and I will take their word for anything they tell me. It seems to me we could proceed more rapidly that way than by bringing witnesses here.

Senator Hopkins: Mr. President, let me say there has been a suggestion made from members of the Board of Managers of the House and the attorneys representing Judge Price that they will attempt to reach an agreement that certain testimony be used so as to cut down expenses.

Senator Purl: I would like to ask the Senator to give attorneys for Judge Price the same privilege to discuss this matter that the House Managers had.

The Chair: Is there any objection? The Chair hears none. Is there any attorney representing Judge Price that has a word to say in reference to our procedure? If so, we will be glad to hear from him. Is Judge Batts on the floor?

Judge Batts: Mr. Chairman, we went over the matter this morning with members of the Committee, and the procedure was satisfactory to us. We would further like to suggest that probably we can agree upon the facts or agree upon the testimony given in the House to be presented without the presence of witnesses. It will be our desire to simplify the matter as much as possible and dispose of the matter as quickly as possible.

Senator Hopkins: Mr. President.

The Chair: The Senator from Gonzales.

Senator Hopkins: If there is no further discussion, and in order to terminate the matter at this time, I move you, sir, that the High Court of Impeachment stand at recess until ten o'clock in the morning of September 17th, Thursday of next week.

Senator Pollard: Will the Senator yield?

Senator Hopkins: Yes.

Senator Pollard: Under the Constitution can we recess or adjourn for that length of time, more than three days?

Senator Hopkins: The Legislature could not. This is the Court of Impeachment, and will be governed by legal rules of procedure, and I think it will be entirely within its jurisdiction to recess for that time.

The Chair: You have heard the motion. Are you ready for the question? Those in favor of the motion will say "Aye"; those opposed, "No." (The motion prevailed.)

The Chair: The Chair announces the recess of the High Court of Impeachment until Thursday, September 17th, at ten o'clock a. m., and announces that the Senate is now in session.

Thereupon at 3:20 o'clock p. m. the High Court of Impeachment recessed until ten o'clock a. m., Thursday, September 17, 1931.)

FOURTH DAY.

Senate Chamber,
Austin, Texas,
September 11, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names: